

KENTUCKY BOARD OF RESPIRATORY CARE

SUMMARY MINUTES

August 9, 2007

A regular meeting of the Kentucky Board of Respiratory Care was held at 5:30 p.m., at Murrays, 3955 Harrodsburg Road, Lexington, KY on Thursday, August 9, 2007.

MEMBERS PRESENT

Byron T. Westerfield, M.D., Chair
Klaus O. Becker, Vice-Chair
Anna J. Jones
Tami McDaniel

KBRC STAFF

Peggy Lacy Moore, Executive Director
Rick L. Rose, Administrative Assistant

OTHER

Cheryl Lalonde, AAG

Dr. Westerfield called the meeting to order at 5:45 p.m., at Murrays, in Lexington, KY.

Minutes

Klaus Becker moved to approve the June 14, 2007 minutes; seconded by Anna Jones. Motion carried unanimously.

Report from CEU Committee - Continuing Education

Mr. Root was in training classes in St. Louis and could not attend the meeting. Mr. Rose gave a brief update of the CEU submissions.

Approval of Audit Percentage for 2008 Renewals

A motion was made by Tami McDaniel to audit ten (10) percent of the 1,232 therapists who will renew in 2008 for continuing education; motion was seconded by Klaus Becker and carried unanimously.

KBRC Board Commends KBRC Staff on Their Work

Klaus Becker and the Board commended the KBRC staff for the progressive work they are undertaking with KY.Gov and online services. Klaus Becker stated folks around the country are appreciative how progressive the Board and staff are in helping the respiratory profession. The Board thanked its staff for their professionalism and hard work.

Agreed Orders

Shirley Henderson KY # 0086 Agreed Order 5/20/05 & Amendment 10/16/06

Ms. Lalonde stated as an FYI a letter was sent to Shirley Henderson telling her to continue her work with Brian Fingerson and to complete the KYPRN program. Mrs. Henderson will be required to document and prove six (6) months of continued sobriety before she will be eligible to petition the Board for reinstatement. The earliest date Mrs. Henderson could be reviewed would be the October 11, 2007 meeting.

Darlene Jackson KY # 4926 – Agreed Order 3/15/05

Mrs. Moore stated we have received documentation that Ms. Jackson is in compliance with the terms of her Agreed Order.

Katrina A. Baker KY # 0208 – AO 4/20/06; Amended Order 3/16/07 & 8/9/2007

Ms. Lalonde advised the Board that Brian Fingerson conveyed that Katrina Baker had lapsed twice since our last meeting and was discharged from the treatment center. Tami McDaniel made a motion for legal counsel to draft an Amended Agreed Order as Revoked including one-year suspension. Ms. Baker must continue her KYPRN program, sign a new KYPRN contract, and document one-year of continued sobriety before she may apply for reinstatement of her license; seconded by Anna Jones. Motion carried unanimously.

Sharon Barnes KY # 0556 – Agreed Order 5/20/05 & Amendment 8/17/06

Mr. Fingerson reports that Mrs. Barnes is doing random drug screens with negative results and she provides monthly self reports and 12-step meeting attendance logs. Ms. Barnes had called inquiring if the Board would consider dropping her drug screens due to the expense. The Board stated it would not accommodate Ms. Barnes' request. Ms. Barnes must continue the drug screens at her expense since this is a term of her order and it enables her to work in the respiratory field while working her recovery program.

David Ray Ballard KY # 0209 – Agreed Order 7/26/07

Ms. Lalonde advised Mr. Ballard had signed and returned his Agreed Order to the Board.

Old Business

Tami D. Balser KY # 4272 – 2007 Renewal Pending Approval

This case is pending an evaluation assessment from Dottie Wheeler, LCSW; CADC at the Bluegrass Comprehensive Care Center. Once we receive the evaluation for Ms. Balser, Ms. Lalonde can prepare an Agreed Order incorporating Board standards, KYPRN requirements, and evaluation recommendations.

Ashley R. Jasper Request for Mandatory Licensure

The Board reviewed material and listened to the taped narrative from Mr. Jasper regarding his felony case. Tami McDaniel made a motion to deny a mandatory certificate for Ashley R. Jasper to practice respiratory care in KY and requested Ms. Lalonde to send a letter to Mr. Jasper

notifying him his request was denied and to inform him he had the right to appeal the decision within 30 days; seconded by Klaus Becker. Motion carried unanimously.

Review of Saint Joseph Hospital Response Re Employee Licensure Checks

Mrs. Moore stated she had received policy updates regarding licensure checks from Marlene Riggle, Director of Respiratory Care at Saint Joseph HealthCare in Lexington, KY.

Lonnie Ely Case Pending In Jefferson County Court System

Mrs. Moore shared information from Kathryn Reed, Agent with the Attorney General's office, who worked with the Jefferson County Commonwealth's Attorney regarding the Lonnie Ely case. Mrs. Reed informs us Lonnie Ely pled guilty to both charges on July 18, 2007. The Commonwealth recommended 1 year to serve or 2 years if probated on criminal possession of forged instrument, 2nd degree and 6 months on practicing without a license. The sentence would run concurrent as 1 year to serve or 2 years if probated. The Commonwealth also requested restitution for extradition costs incurred by the State of KY of \$3,000. Mr. Ely is scheduled for sentencing on September 13, 2007 in Louisville, KY.

Summer 2007 KBRC Newsletter

Rick Rose presented the final draft of the KBRC's summer 2007 newsletter that is posted on our website and was mailed to 119 respiratory supervisors at KY hospitals and to 13 schools that have respiratory programs.

Complaints

Pursuant to KRS 61.810 (1) (c) and (j), Klaus Becker made a motion for the Board to go into closed session to discuss proposed or pending litigation and individual adjudications. The motion was seconded by Anna Jones, and carried unanimously.

Klaus Becker moved to come out of closed session; seconded by Tami McDaniel. Motion carried unanimously.

A. Mark Pierce - KY # 0936

Klaus Becker made a motion to continue the case pending the outcome of Mr. Pierce's criminal case; motion was seconded by Anna Jones and carried unanimously.

B. Donald James - KY # 0098

Klaus Becker made a motion to continue the case pending the outcome of Mr. James's criminal case; motion was seconded by Anna Jones and carried unanimously.

C. Mark Hinkle - KY # 1022

Klaus Becker made a motion to continue the case pending the outcome of Mr. Hinkle's criminal case; motion was seconded by Anna Jones and carried unanimously.

D. Edward R. Price - KY # 4682

The Board requested Edward Price to comply on two occasions in writing to the complaint filed against him by Connie Schulz, Director at InteliStaf Healthcare, Inc., Oakbrook Terrace, IL. Mr. Price did not respond to the Board. Klaus Becker made a motion to require Mr. Price to enroll in the KYPRN program and work with Brian Fingerson and in addition requested legal counsel to draft an Agreed Order with Board stipulations that would include five-years probation of his license; motion was seconded by Anna Jones and carried unanimously.

New Business

Clemen Botones, Respiratory Dept., Hazelwood Center Presents Bogus Letter

Mrs. Moore presented a fax copy of a letter Ms. Botones received at the Hazelwood Center in Louisville, KY. The letter was a false document and was not issued by the KBRC office. Dr. Westerfield requested a letter be sent to Ms. Botones to request that she conduct an internal investigation to find out which employee forged the letter and then notify the Board.

Announcements

The next regular meeting of the KBRC will be held on Thursday, October 11, 2007 at 5:30 p.m., at the KBRC Conference room, 2624 Research Park Drive, Suite 304, Lexington, KY.

Approval of Per-diem, Compensation, Travel and Honoraria

The motion was made by Klaus Becker, and seconded by Anna Jones, to approve the payment of per diem, compensation and travel for Board members. Motion carried unanimously.

Application Review

A motion was made by Klaus Becker to accept all **51** applications since the last meeting; seconded by Anna Jones. Motion carried unanimously.

The following **Student applications (15)** were approved:

Alicia Anne Bachicha, Natasha B. Bratcher, Tiffancy M. Coleman, Erin L. England, David D. Graf, Michelle M. Heckman, Lindsey D. McCown, Tressa L. Miller, Amanda R. Parrigan, Destiny A. Sharp, Katie L. South, Kayla M. Toon, Dana M. Tyree, Christopher M. Wacker, Jessica E. Eminhizer.

The following **Temporary applications (1)** were approved:

Tina T. Peters.

The following **NBRC applications (25)** were approved:

Larry R. Combs, Dustin C. Dennison, Stanley Fields, Jerina K. Gardner, Beverly Howard, Brett M. Landy, Angela K. Mausert, Steven C. Meadows, JoAnna M. Mischke, Marc B. Moore,

Tymori L. Murphey, Tracey L. Neff, Lauren B. Pattelena, Jacqueline R. Rainey, Sharon M. Riley, Shanna R. Spann., Dan. L. Speed, Chastity A. Stucker, Brandy, J. Treadway, Leslie S. Wood, Lori J. Windt, Youchun Jiang, Melissa A. Zininger, Rebecca R. Price, Jacklyn D. Casey.

The following **Reciprocity applications (10) were** approved:

Evelyne M. Benninghoff, Kende J. Bullard, Amy L. Calhoun, Wilma B. Johnson, Sharon K. Peck, Debra S. Smith, Lamar Thomas, Timothy A. Wagstrom, Kimberly M. Washington.

Tami McDaniel made a motion to adjourn the meeting at 8:15 p.m.; seconded by Anna Jones. Motion carried unanimously.

Klaus O. Becker, RRT, Vice-Chair
KY Board of Respiratory Care